

1-8.000

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1-8.001 Introduction

The Assistant Attorney General (AAG), Office of Legislative Affairs (OLA), is responsible for communications between Congress and the Department under the authority of the Attorney General and the direction of the Deputy Attorney General. *See* 28 C.F.R. Sec. 0.27. Communication between OLA and individual components of the Department are aided by designated Congressional Liaisons. The Director of the Executive Office for United States Attorneys (EOUSA) has currently designated the Counsel to the Director (CTD) as Congressional Liaison for the United States Attorneys' offices (USAOs) and EOUSA.

1-8.010 Congressional Contacts With USAOs

All Congressional staff or member contacts with USAOs or USAO staff including letters, phone calls, visits or other means must be reported promptly to the United States Attorney (USA), First Assistant United States Attorney (FAUSA) or other designated senior staff prior to making any response. All requests for information or assistance, except for public information, must also be promptly reported to CTD. These reports may be made by phone, EMAIL or faxed copies of letters.

1-8.020 Congressional Requests for Public Information

The USA may respond or authorize USAO personnel to respond without contacting CTD to a routine Congressional request for public information including:

- A. Administrative information such as office locations, operational hours, address and phone information, the proper person to contact for different types of matters, and general personnel procedures.
- B. Documents that are already part of public court records and not under seal or otherwise restricted, such as filed indictments, briefs etc.
- C. News releases or other materials meant for public distribution.
- D. The time and place for the next public court hearing, if already announced.

If you are unsure if certain information should be released, or whether it is proper to give certain assistance requested, contact CTD.

1-8.021 Requests on Behalf of Represented Parties

A Congressional contact or request made on behalf of any individual (including their spouse and families) or entities who are involved in active litigation with the United States (US) or currently being prosecuted by the US, and who are represented by counsel should be referred to CTD.

1-8.030 Reference of Other Requests to CTD

All other Congressional requests for information or assistance should be immediately referred to CTD either by contacting CTD or politely informing the requestor that you are required to refer all such inquiries to CTD and providing them with information on how to contact CTD by phone, mail or fax.

Examples of requests that should be referred to CTD include but are not limited to requests for non-public documents or information, discussion of or briefings on case status (other than as set out in 1-8.020), attendance at settlement conferences, specific suggestions on case disposition or other treatment, discussion of or requests for information on problems under existing law or suggestions for changes in existing law, requests for interviews, statements or appearances to or before Congressional, members, staff and committees. Follow this standard in both open and closed cases and *never* provide information on pending investigations, closed investigations that did not become public, that involves Grand Jury, tax or other restricted information, that would reveal the identity of confidential informants, sensitive investigative techniques, deliberative process or the exercise of prosecutorial discretion, or the identity of individuals who may have been investigated but not indicted, without consulting CTD and obtaining authorization from the proper Department authorities. Any Congressional request that involves Privacy Act considerations should also be referred to CTD as special rules apply to Congress in this area.

1-8.040 Congressional Questionnaires, Surveys and General Accounting Office (GAO) Contacts

Congressional and GAO questionnaires and surveys must be approved in the same fashion as other surveys as provided in chapter 3-18.100 of the USAM. *See also* USAM 3-18.120. GAO is an oversight arm of Congress and most inquiries are general audits. However, from time to time, GAO is asked by Congressional committees to pursue specific oversight inquiries, and these in effect become the same as any other Congressional inquiry. Such GAO contacts and inquiries that are made directly to a USAO or arise after referral of a GAO matter from EOUSA to a USAO should be immediately brought to the attention of CTD.

1-8.050 Tours, Courtesy Visits, Social and Other Contacts With Congressional Members and Staff

Courtesy visits, tours and similar activities can be authorized by the USA. More extensive social and personal contacts and relationships are to be considered in light of circumstances, including preexisting relationships and the requirements of ethical and legal standards and guidance. Attendance or participation in political functions or fund raising is subject to statutory, ethical and policy directives. EOUSA's Legal Counsel should be consulted for guidance on ethical and legal standards.

1-8.060 CTD Requests for Assistance from USAOs -- Testimony and Document Production

From time to time CTD will request assistance from USAOs in order to aid OLA or other components dealing with Congressional matters. Usually this will mean a phone call or written request asking for information or a request to help draft a response. On a matter requiring CTD involvement under these procedures, if a USAO desires to draft or make a particular response to a request, please notify CTD and submit the draft for prior Department review. The Department through CTD may also ask USAs to testify or provide information to Congress. Special procedures apply, and you will be briefed at the time you are authorized to do this.

From time to time the Department may ask you for case files or portions of case files or other written or electronically recorded information to respond to a Congressional request. You will be asked to flag sensitive portions, such as grand jury material, to assist review by the Department officials charged with making the response.

1-8.070 Testimony or Assistance to State and Local Legislative Bodies

USAO personnel may respond to state and local legislative requests for public information as described in 1-8.020 above. Requests for any other type of information, assistance or testimony must be cleared with the Department through CTD. USAO personnel should not comment on matters of state legislative responsibility without prior approval to do so by the Department.

1-8.080 Legislative Requests or Proposals

All requests for official legislative action, changes to existing laws or new laws, should be submitted to the Department through CTD for review and approval. If any USAO personnel wish to make a purely personal proposal or offer personal views to Congress, a state legislature or local legislature that could appear to reflect on their official duties or Department responsibilities, they are encouraged to contact CTD for applicable considerations. For instance, it should be made clear that they are speaking in their personal capacity and not on behalf of the Department. In addition, they are prohibited from using their official title in connection with the testimony except as one of several biographical details, and they must comply with rules for the protection of confidential information.